

REMARKS/ARGUMENTS**A. STATUS OF THE CLAIMS**

As a result of the present amendment claims 1-12, 14, 16, 22, 24, 25 and 31 are presented in the case for continued prosecution.

As a result of the restriction requirement, claims 13, 15, 17-21, 23 and 26-30 have been withdrawn by the Examiner from further consideration pursuant to 37 CFR 1.142(b). Section B double patenting. During the telephone conference conducted on March 17, 2004 with the Examiner, the undersigned urged that the withdrawn claims be rejoined, especially in view of the action taken in commonly-assigned USSN 10/066,306. This is the same application which the Examiner has relied upon for purposes of making the double patenting rejection discussed below.

B. DOUBLE PATENTING

On page 4 of the office action the Examiner has made a non-statutory double patenting rejection based on commonly assigned U.S. Patent Application Serial No. 10/066,306. In response thereto, Applicants submit herewith a Terminal Disclaimer executed by the undersigned, attorney of record along with the required fee therefor.

It is respectfully requested that the rejection now be withdrawn.

C. EXTENSION OF TIME

This response is being filed within the shortened statutory period for response. No further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Commissioner is hereby authorized to debit or credit such sum to said deposit account.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

D. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

MUSERLIAN, LUCAS & MERCANTI, LLP

By: 

Michael N. Mercanti

Registration No. 33,966

MUSERLIAN, LUCAS & MERCANTI, LLP
475 Park Avenue South
New York, NY 10016
Phone: 212-661-8000
Fax: 212-661-8002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment is
being facsimile transmitted to the
Commissioner of Patents on the
date shown March 29, 2004
MUSERLIAN, LUCAS & MERCANTI, LLP

BY: 

Michael N. Mercanti